THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 21st day of November ,2006

W.P.No.9658 of 1996

Between :

P. Eswar Reddy … Petitioner

and

The Industrial Tribunal-cum-
Labour Court, Anantapur
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9658 of 1996

ORAL ORDER:

This Writ Petition is directed against an Award dated 6-6-1995 made in I.D.No.27 of 1986 on the file of Industrial Tribunal-cum-Labour Court, Anantapur.

It appears that the petitioner/workman was employed as a driver by the 2nd respondent-Corporation with effect from 14-6-1979 and his services were terminated by an Order dated 3-12-1982 of the 2nd respondent. Against the said order of termination, the petitioner raised conciliation and thereafter, the matter was referred to the Industrial Tribunal-cum-Labour Court, Anantapur under Section 10(1)(c) read with Section 12(5) of the Industrial Disputes Act,1947 for adjudication of the matter as to whether the termination of the services of the petitioner, Ex-Driver, by the Management of Cement Corporation of India Limited, Yerraguntla (2nd respondent herein) is justified. Respondent No.2 herein filed a detailed counter affidavit before the Tribunal, denying the allegations made by the petitioner. On his behalf, the workman examined himself as W.W.1 and marked Exs.W1 to W5 and on behalf of the Management, M.W.1 was examined and Exs.M1 to M5 were marked. After a detailed consideration of both oral and documentary evidence, the Tribunal came to the conclusion that the Management was justified in terminating the services of the petitioner and thus confirmed the order of termination passed by the

Management against the petitioner and rejected the claim petition. Aggrieved by the same, the present Writ Petition is filed.

The charges framed against the petitioner-workman are grave in nature. The petitioner seems to be very arrogant and a rowdy sheeter and also behaved like a militant while he was in the employment of the 2nd respondent. Therefore, his services were terminated. There is no necessity of going into all the details. It may be necessary to notice the recitals in the rejoinder filed by the Management before the Tribunal, which read as under:

> "6.……The workman was appointed as a temporary driver as per the appointment order dated 12-6-1979. He continued as temporary driver and confirmation had not been done. Even during the temporary appointment, the conduct of the workman remained untolerable. His attitude has been highly militant and the Officers and other employees were terrorized by him. He was a terror in the whole area. Many of the Officers and employees ventilated their grievances against the acts and attitude of the workman…….There have been several instances where the workman assaulted, attacked, intimidated the offences of the management. He had even kidnapped the General Manager of the Company. The workman is known as rowdy in the area. Thus, it was impossible to hold an enquiry against the workman by way of disciplinary proceedings. The workman attacked the Manager Sri S.P.Veeran on 28-10-1982 at Yerraguntla Railway Station when he arrived from Madras-Bombay rail at about 5.15 a.m., when he got down from the compartment…….He has been charge sheeted under Sections 147, 148, 324 and 307 of IPC in Case No.100/80. He was charge sheeted under Sections 355, 365 and 427 IPC on the allegation of kidnapping the General Manager of the factory. He has been bound over by the Sub-Divisional Manager in proceedings under Section 107 Cr.P.C…."

The Tribunal, on a perusal of the evidence placed before it, recorded a finding that the workman remained trouble suitor in the factory campus and also for the Officers and he has been a rowdy. It was also found that the observations made in Ex.M1-termination order that the retention of the services of the workman has become

prejudicial to the interest and security of the Corporation and the workman lost confidence cannot be said to be wholly unfounded; therefore, there is no other alternative except to hold that the management was justified in terminating the services of the workman and as such, the question of reinstatement of the workman with back wages and other monetary benefits and continuity of service does not arise.

In view of the above, I am of the opinion that the Management has not committed any error in passing the Order of termination of the services of the petitioner, which was confirmed by the Tribunal through the impugned Award. The findings of fact recorded by the Tribunal are based on proper appreciation of evidence on record. No ground is made out to interfere with the impugned Award passed by the Tribunal, in exercise of the powers of this Court under Article 226 of the Constitution of India. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

21-11-2006

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